UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER
ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03/13/2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10 and 12-18_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-10 and 12-18_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 13, 2008 has been entered. **Claims 1-10** and **12-18** are pending in the present application.

Response to Arguments

2.   Applicant's arguments with respect to **claims 1-10** and **12-18** have been considered but are moot in view of the new ground(s) of rejection. Arguments are directed to newly added limitations and the new ground(s) of rejection based on the newly added limitations follow below.

3.   Additionally, Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last Office Action is taken as an admission of the fact noticed (i.e., the use of a digital signal processor (DSP) and a reduced instruction set (RISC) processor are very well known in the art).

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5.   Claim **1-6, 8-10** and **12-18** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Keskar et al., U.S. Publication Number 2004/0259536 A1**

(hereinafter Keskar) and further in view of **Abbott et al., U.S. Publication Number**

2003/0046401 A1 (hereinafter Abbott).

Regarding claims 1, 6, 12, 13 and 18, Keskar teaches a method of optimizing

user inputs (see Fig. 2) and an electronic user cognitive device (see abstract, p. 1

[0011] and Fig. 1; *shows a mobile device 155*) comprising: a user input device

configured to receive input from a user (see p. 1 [0012] and p. 3 [0022]); a user device

processing unit configured to perform functions of the electronic device (see p. 3 [0021-

0022]); a user interaction pattern monitoring device configured to monitor user

interaction patterns of the user, monitoring device parameter settings, and correlating

user interaction patterns with device parameter settings (see p. 1 [0012], p. 2 [0018], p.

3 [0021] and Fig. 1; *shows a preprocessing module 150 [i.e. reads on a user interaction*

pattern monitoring device]); an associated memory configured to store user interaction

patterns, device parameter state, and correlation information (see p. 2 [0014] and p. 3

[0021-0022]); a cognitive logic device configured to analyze the user interaction

patterns, parameter state, and correlation information and configured to determine

adjustments to the user device processing unit corresponding to particular user input

(see p. 2 [0014-0016, 0018 & 0020], p. 3 [0021] and Fig. 1; *shows a context processing*

module 100 [i.e. reads on a cognitive logic device for analyzing the user interaction

patterns]); and a user device processing unit controller configured to dynamically adjust

the user device processing unit in response to receipt of the user input in accordance

with the determined adjustments (see p. 2 [0014-0016, 0018 & 0020] and p. 3 [0021-

0022]).

Although, Keskar teaches for example that, the Context module 100 may be

configured to "learn" from the user's pattern of behavior that each time the PDA is

placed face down, the device should be instructed to turn off all audible alerts or if the

user places the PDA in a carrying case, the Context module 100 may therefore

configure the mobile device to increase its alert level or its pitch, and this type of

"learning" behavior may be used independently and/or in conjunction with explicit

preferences that the user may set which broadly reads on correlating user pattern

behaviors based on predictability factors (see p. 2 [0015, 0016 & 0018]), Keskar fails to

explicitly teach the user pattern monitoring device configured to calculate predictability

factors, store the predictability factors, the cognitive logic device configured to

determine adjustments, wherein the adjustments are based on the calculated

predictability factors, and the user device processing unit controller configured to

dynamically adjust in accordance with the determined adjustments when the

predictability factors reach a predetermined level.

In an analogous field of endeavor, Abbott teaches a method, system and

computer-readable medium are described for dynamically determining an appropriate

user interface ("UI") to be provided to a user, wherein a pattern recognition engine

determines a predictive correlation by monitoring user patterns and dynamically

determining an appropriate user interface ("UI") to be provided to a user in accordance

with the determined predictability factors (see abstract, p. 17 [0471] and p. 24 [0782-0785]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Keskar with the teachings of Abbott to include calculating predictability factors and the user device processing unit controller configured to dynamically adjust the user device when the predictability factors reach a predetermined level, in order to dynamically determine an appropriate user interface to be provided to a user so that the current user interface is appropriate for a current context of the user as taught by Abbott (see p. 2 [0030]).

Regarding claims 2, 8 and 14, Keskar in view of Abbott teaches all the limitations of claims 1, 6 and 13. Keskar in view of Abbott further teaches a method and an electronic device, wherein the determined adjustments include changes to parameters, configurations and states of the user device processing unit (see *Keskar*, p. 2 [0015-0019]).

Regarding claims 3, 9 and 15, Keskar in view of Abbott teaches all the limitations of claims 1, 6 and 13. Keskar in view of Abbott further teaches a method and an electronic device, wherein the cognitive logic device that creates dynamic rules based on continuous analysis of user interaction patterns, parameter state, correlation information and predictability factors (see *Keskar,* p. 2 [0015, 0016 & 0018] and *Abbott,* p. 17 [0471] and p. 24 [0782-0785]).

Regarding claims 4, 10 and 16, Keskar in view of Abbott teaches all the limitations of claims 3, 6 and 15. Keskar in view of Abbott further teaches a method and

an electronic device, wherein the user device unit controller selectively turns off rules in

response to user interaction through the user input device (see *Keskar,* p. 2 [0017]).

Regarding claims 5 and 17, Keskar in view of Abbott teaches all the limitations of

claims 1 and 13. Keskar in view of Abbott further teaches a method and an electronic

device further configured for multiple users, wherein the cognitive logic device

categorizes the use pattern information into either common interaction patterns or style

interaction patterns and adjusting the electronic device based on the common

interaction patterns and selectively adjusting the electronic device based on the style

interaction patterns in response to a current user interaction style (see *Keskar,* p. 2

[0014-0020]).

6.   Claim **7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Keskar et**

al., U.S. Publication Number 2004/0259536 A1 (hereinafter Keskar) and further in

view of **Abbott et al., U.S. Publication Number 2003/0046401 A1 (hereinafter**

Abbott) as applied to claim 1 above, and further in view of **Well Known Prior Art –**

Official Notice.

Regarding claim 7, Keskar in view of Abbott teaches all the limitations of claims

6. Keskar in view of Abbott fails to explicitly teach the processing unit comprises a

digital signal processor (DSP) and a reduced instruction set (RISC) processor.

However, the examiner takes Official Notice that the use of a digital signal

processor (DSP) and a reduced instruction set (RISC) processor is very well known in

the art and therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to implement a digital signal processor (DSP) and a reduced

instruction set (RISC) processor in the device of Keskar and Abbott, in order to provide

a sufficient advantage and acceptable response time to the user interface of the mobile

device when user pattern recognition functions are applied to complex data sets.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ANTHONY S. ADDY whose telephone number is

(571)272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony S Addy/
Examiner, Art Unit 2617

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2617